

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION  (MDL NO.: 2406)</b>	} } } }	<b>Master File No.: 2:13-CV-20000-RDP This document relates to the Provider Track cases.</b>
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**SEVENTH AMENDED SCHEDULING ORDER  
(EXCLUSIVE TO PROVIDER TRACK)**

Earlier in this case, Provider Plaintiffs moved the court to allow the Provider Track and the Subscriber Track to proceed separately. (Doc. # 1064). The court denied that motion. (Docs. # 1109, 1304). Now, however, the court believes it is appropriate to decouple the Tracks. To that end, it is **ORDERED** as follows:

**A. Class Certification**

1. Provider Plaintiffs' Refiled Motion for Class Certification along with all supporting evidence, and Defendants' Opposition to Providers' Class Certification Brief along with all supporting evidence are each due on **October 9, 2020**. The parties agree that no extension of this date will be requested. Defendants' Brief will not exceed 75 pages. Neither Plaintiffs nor Defendants will make any changes to the expert reports or submit any evidence beyond what is already in the class certification record currently before the court.

2. Defendants' class certification experts will be deposed between **October 23, 2020 and November 13, 2020**.

3. Providers' Class Certification Reply Brief and Providers' class certification expert rebuttal are due on **December 2, 2020**. Providers' Reply Brief will not exceed 40 pages.

4. The deadline to depose Providers' class certification experts regarding rebuttal reports is **January 11, 2021**.

**B. Daubert Motions**

5. Providers' Daubert motions to exclude Defendants' class certification experts are due on **November 23, 2020**.

6. Providers' Responses to Defendants' Daubert motions to exclude Providers' class certification experts are due on **November 23, 2020**.

7. Defendants' Responses to Providers' Daubert motions to exclude Defendants' class certification experts are due on **January 19, 2021**.

8. Defendants' Replies to Daubert motions to exclude Providers' class certification experts are due on **February 2, 2021**.

9. Providers' Replies in support of their Daubert motions to exclude Defendants' class certification experts are due on **February 22, 2021**.

**C. Merits and Damages Reports**

10. The deadline for Defendants to produce Damages and Merits Expert Reports and Discovery is **December 2, 2020**.

11. The deadline to depose Defendants' Damages and Merits Experts is **January 18, 2021**.

12. The deadline for Providers to submit Damages and Merits expert rebuttal reports is **February 1, 2021**.

13. The deadline to depose Providers' damages and merits experts re rebuttal reports is **March 12, 2021**.

**D. Dispositive Motions**

14. All potentially dispositive motions on issues of liability which are not critically dependent on the outcome of class certification, materials in support, and supporting expert reports under Fed. R. Civ. P. 26(a)(2) are due **April 1, 2021**, unless the court grants leave for an earlier filing. The parties will meet and confer as to an appropriate briefing schedule after the filing of such a Motion or Motions, and present a schedule or competing proposals to the court **within seven days after the filing of any potentially dispositive motion.**

**E. Discovery and Privilege Review**


15. The parties will meet and confer about any additional discovery needed for trial in the prioritized proceeding and/or for completion of the MDL proceeding, and if they do not reach agreement, may move for permission to conduct such discovery, with both parties reserving all rights. Judge Harwood shall suspend issuance of any Reports and Recommendations based on his review of additional samples of Defendants' privileged documents (Doc. # 2394) (and the parties' responses thereto shall also be suspended) until further notice from the court.

**F. Pretrial Conference**

16. As necessary, the court will set a pretrial conference after ruling on class certification and/or dispositive motions.

The court may modify the terms of this Order within its discretion.

**DONE** and **ORDERED** this September 30, 2020.

  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE